

CITY OF MILWAUKEE
COMMON COUNCIL-CITY CLERK'S OFFICE

LEGISLATIVE PROCEDURE MANUAL

(Last Revision – January 21, 2011)

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INTRODUCTION

This manual is intended to assist City of Milwaukee departments in preparing matters for introduction to the Common Council and in following their progress through the legislative process. It contains an overview of the organization and procedures of the Council, procedures for introducing files, a review of committee and Council procedures and instructions for drafting legislation. Questions about the material in this manual should be directed to the Deputy City Clerk (Jim Owczarski, x2998) or to the City Clerk.

THE COMMON COUNCIL: AN OVERVIEW

The Common Council consists of 15 members elected every four years from separate districts. One member is elected President at the beginning of the four-year term. The President assigns members to the Common Council's eight standing committees and designates their chairs and vice-chairs.

The standing committees, listed in the order in which they usually meet, are:

1. Licenses: Meets on the first Tuesday after each Council meeting. Beginning in 2011, it will meet on the first Monday.
2. Public Works: Meets on the second Wednesday after each Council meeting.
3. Public Safety: Meets on the second Thursday after each Council meeting.
4. The Steering and Rules Committee, which consists of the President and the chairs of the other standing committees, meets on the second Thursday after each Council meeting.
5. Community and Economic Development: Meets on the second Monday after each Council meeting.
6. Judiciary and Legislation: Meets on the second Monday after each Council meeting.
7. Zoning, Neighborhoods and Development: Meets on the second Tuesday after each Council meeting.
8. Finance and Personnel: Meets on the third Wednesday after each Council meeting.

Up-to-date information about meeting schedules, including meeting start-times, agendas, and minutes is available at <http://milwaukee.legistar.com/calendar>.

The Common Council *Procedure and Rules* governs the jurisdiction of each committee. The President is responsible for referring files to committee, but this function is delegated by rule to the City Clerk's Office and is performed by the Deputy City Clerk.

Generally speaking, the Council meets every third Tuesday. The Council and its committees do not meet during August. The latest information concerning the Common Council's calendar and its agendas and minutes can be found at <http://milwaukee.legistar.com/calendar>. At its meetings, the Council acts on the recommendations of the standing committees, acts on matters presented for immediate action, and introduces new business for referral to committee.

Between Council meetings, each standing committee holds a regular meeting to conduct public hearings and make recommendations with respect to the files that have been referred to it. Agendas for committee meetings are usually available from the City Clerk's office by the end of the week preceding the committee meeting and are distributed to city departments and interested parties by electronic mail using the city's E-Notify system. Agendas may also be obtained electronically at <http://milwaukee.legistar.com/calendar>. Hearing notices are also sent to departments and other parties affected by files that are scheduled for hearing.

From time to time, the Common Council may schedule special meetings for a particular purpose or establish *ad hoc* committees or task forces to investigate particular issues. The meetings of all these bodies are staffed by the office of the City Clerk and their agendas, minutes, and matters considered can all be viewed through the *Legistar* system at <http://milwaukee.legistar.com/calendar>.

INTRODUCTION OF COUNCIL FILES

Deadline. Files that are not sponsored by a member of the Common Council must be submitted to the office of the City Clerk no later than three working days prior to a Common Council meeting. **For the normal Tuesday Council meeting, files must be received no later than 4:45 p.m. on the preceding Wednesday.** Files sponsored by a Council member may be submitted until the close of business on the day of a Common Council meeting.

The “OLS”

Delivery. All files – Legislative File Text and attachments – should be submitted, if possible, via the *Legistar* On-Line Submission System (OLS). Detailed information about signing up for the OLS can be obtained by contacting Deputy City Clerk Jim Owczarski at jowcza@milwaukee.gov.

PLEASE REMEMBER, ALL LEGISLATIVE FILE TEXT SHOULD BE
SUBMITTED IN “.RTF” FORMAT ONLY.

In addition to electronic submission via the OLS, paper copies should be provided as follows: A **single** hard copy of all material should be provided to the Council Records Section. Paper copies should be hand-delivered or sent by inter-office mail, addressed to the Deputy City Clerk. If hand-delivered, they should be brought to the office of the City Clerk, Room 205, City Hall. Files should **not** be sent to Common Council members for introduction.

Copies pertaining to new Common Council files will be directed to Ms. Debra Fowler. Copies pertaining to matters currently before committee or the Common Council will be directed to the appropriate staff assistant.

When submitting paper copies, please use paper clips rather than staples to secure all items.

Items to be Included. A cover letter or memo, directed to “The Honorable, The Common Council”, should be transmitted **if necessary to explain the content of files**, particularly those submitted by title only.

The Milwaukee Code of Ordinances requires that each agency directly affected by a file that has a fiscal impact prepare a fiscal impact statement. The Code offers no exemption from this requirement for departments that did not request or, perhaps, do not even support a particular file. Ideally, fiscal impact statements should be submitted at the same time that the file is introduced. Fiscal impact statements must be prepared on the form supplied by the City Clerk's Office. The form is available on the city's Intranet (MINT). Fiscal impact statements are not required for:

- The Mayor's proposed executive budget
- An ordinance creating a penalty provision if the ordinance contains no other provision requiring a fiscal impact statement
- An ordinance amending the salary or positions ordinance
- A resolution approving attendance at conventions, seminars, and other meetings
- A resolution cancelling property taxes
- A resolution granting, amending, or repealing a special privilege
- A resolution relating to claims against the City
- A resolution appropriating funds from the Common Council Contingent Fund
- A resolution authorizing the expenditure of grant funds

Any resolution appropriating funds from the Common Council Contingent Fund requires a Contingent Fund Request Information Form. This form is also available on the MINT.

All of the above documents should be submitted as attachments via the OLS.

Title Only Files. In most cases, a file should be drafted in its entirety before it is introduced. However, when necessary, a file may be introduced by "title only".

Substitution. Once a "title only" file has been replaced by a full-text version, no substitution will be permitted without the appropriate action of either the Common Council or one of the standing committees.

For files introduced with full-text, no substitution will be permitted without the appropriate action of either the Common Council or one of the standing committees.

Proposed substitutes should be submitted via the OLS. These will be displayed in the system like any other attachment and titled as proposed substitutes on the *Legistar InSite* Internet suite. They will also be provided to committee members prior to committee meetings.

Proposed substitutes will be labeled as such and further identified by letter, i.e., “Proposed Substitute A”, “Proposed Substitute B”, etc. Both the hardcopy and the electronic text of a proposed substitute must indicate “Proposed Substitute (A)” under the “..Version” header. If necessary, this information will be inserted by Council Records Section staff.

Each individual or organization responsible for a file must make sure that the appropriate motion to substitute is made at either the Common Council or the committee level if they wish to have the file substituted.

No exceptions to this procedure, other than those involving purely technical or clerical corrections, can be permitted.

COMMITTEE REVIEW OF FILES

Referral to Committee. As they are introduced, all files (except motions and resolutions presented for immediate adoption on the day they are introduced and communications that are not acted upon by the council but merely ordered on file upon introduction) are referred to one of the Common Council's standing committees. Referrals are determined based on the classifications set forth in the *Common Council Procedure and Rules* by the office of the City Clerk, on behalf of the Council President.

Referral to Agencies. Once referred to a committee, files may be referred by the committee to city agencies for additional drafting, fiscal impact statement preparation or a report or recommendation.

Normal Scheduling. Most files are scheduled for a hearing by a standing committee in the two weeks immediately following the Council meeting at which they were introduced. Scheduling, however, is at the discretion of the committee chair. In addition, some files require special review by other bodies or publication in the official newspaper before they can be heard by committee.

Hearing Notices. The City Clerk's Office issues hearing notices to city departments and other parties affected by files that have been placed on a committee agenda. If you wish to be notified on a specific file, you should contact the staff assistant for the committee to which the file has been referred.

Agendas. Agendas for committee meetings are produced and distributed at the end of the week preceding the scheduled committee meeting. Supplemental agendas may be issued, if necessary to accommodate important items. Agendas are distributed to departments by electronic mail using the city's E-Notify system. They are also posted on the city's web site at <http://milwaukee.legistar.com/calendar>.

Committee Procedures. The standing committees usually meet in Room 301-B, City Hall. Meetings are televised and webcast live and also rebroadcast by City Channel 25. The Channel 25 schedule is available on the city's web site at <http://www.milwaukee.gov/channel25>.

Video of Common Council and committee meetings from April 2008 forward is available at <http://milwaukee.legistar.com/calendar>.

A majority of a committee constitutes the quorum necessary to conduct business.

The chair reads the title of each item on the agenda. Persons wishing to speak on a file should approach the table and wait to be recognized by the chair. It is important to use the microphones that are provided since the meetings are recorded and televised.

The chair should be addressed as “Mr. Chair” or “Madame Chair”. Committee members should be addressed as “Alderman” or “Aldерwoman”.

Electronic Committee Books. The staff of the Council Records Section creates electronic briefing books which are provided to the members the Common Council’s standing committees. Departments, other agencies, and individuals providing information to the Council should contact the staff assistant for the appropriate committee as early as possible to determine the deadline for inclusion of attachments in the electronic book. As Council members require a reasonable amount of time to review materials submitted to them, attachments submitted late cannot be included in an electronic book.

Committee Actions. The committee may recommend an action to the full Council or may hold a file in committee to a later date. A committee may also refer a file to another standing committee for further action.

COUNCIL ACTION ON FILES

Normal Scheduling. All recommendations made by the standing committees since the last meeting of the Council are placed on the next Council agenda. Council agendas are divided into reports by the standing committees.

Immediate Adoption. Resolutions that do not appropriate money or create a charge against any city fund may be presented for immediate adoption on the day they are introduced. Such files require a two-thirds vote to be adopted. Motion files may also be presented for immediate approval and require a majority of those present and voting.

Agenda. Agendas for council meetings are produced and distributed at the end of the week preceding the scheduled committee meeting. Supplemental agendas may be issued, if necessary to accommodate important items. Agendas are distributed to departments by electronic mail using the city's E-Notify system. They are also posted on the city's web site at <http://milwaukee.legistar.com/calendar>.

Council Procedures. The City Clerk reads the title of each file on the committee report along with the committee's recommended action. Except for files on which a separate vote is requested, one roll call is taken at the end of the committee report to adopt all the recommendations of the committee. Separate roll calls may be requested on any item by any council member and are also necessary under certain circumstances.

Council Actions. The Council may **pass** an ordinance, **adopt** a resolution or **approve** a motion. They may also defeat such items, hold them in Council, or refer them back to committee. Any measure that fails of adoption or passage may not be reintroduced for 90 days, unless substantially revised. The Council may also amend any matter before it.

A common action is to place an item on file. These items are not dead and may be resurrected and returned to committee at a later date, without a new file being introduced. At the end of each four-year Council term, all items that have been placed on file are automatically killed. All communications are also placed on file, since they require no further Council action.

MAYORAL REVIEW OF FILES

The City Clerk has five days after a Common Council meeting to present all ordinances and resolutions approved by the Council to the Mayor. The Mayor then has seven working days in which to approve or disapprove the files.

Each Council cycle, the office of the City Clerk transmits a memorandum to the office of the Mayor asking that certain files be signed as soon as possible. These are typically routine or time-sensitive matters. **Inclusion on this memorandum carries no guarantee that the Mayor will consider a matter any sooner or that he or she will look on the matter favorably.** Those interested in having a file included can contact Debra Fowler at dfowle@milwaukee.gov prior to the date of the Common Council meeting at which the file is considered.

Vetoed files are returned to the Council and may be acted on at a special meeting but must be acted on no later than the next regular meeting.

Enacting a piece of legislation notwithstanding the objection of the Mayor – “overriding” a veto – requires 10 votes, unless the legislation required more than a two-thirds majority of the Common Council for approval. In the latter case, the higher vote is also needed to override the veto.

A vetoed file may not be amended by the Common Council.

PUBLICATION OF COUNCIL ACTIONS

Newspaper Publication. All ordinances are published by title in the official city newspaper no later than 15 days (excluding holidays and weekends) after the Council meeting at which they were passed. Ordinances take effect the day after publication, unless otherwise provided in the ordinance. Charter ordinances take effect 60 days after publication.

Minutes. All actions of the Council meeting are recorded in minutes that are produced after each Council meeting. Minutes are published on the city's web site at <http://milwaukee.legistar.com/calendar>.

Certified Copies. Certified copies of files approved by the Council are available from the office of the City Clerk. To obtain a certified copy of a particular file, please contact the staff assistant for the committee that approved the file.

City Charter and Code of Ordinances. Any ordinance that affects a printed section of the City Charter or Code of Ordinances is incorporated into the loose-leaf ordinance books within a few weeks after each Council meeting. The updating of the ordinance books is performed by the Legislative Reference Bureau. The Charter and Code are also published on the city's web site at: <http://www.milwaukee.gov/ordinances>.

DRAFTING OF COUNCIL FILES

Proper Form. Common Council rules require that all files be submitted in proper form, as established by the City Clerk. The office of the City Clerk will either return or revise any file that is not submitted in proper form.

Drafting Services. The Legislative Reference Bureau (LRB) will draft ordinances and resolutions at the request of any City agency. The research and clerical staff is familiar with all requirements of form and language. Departments are encouraged to make use of the LRB's services, whether to draft "from scratch" or to put finishing touches on an otherwise final draft. Drafting requests should be submitted to the LRB Manager.

GENERAL TYPOGRAPHICAL REQUIREMENTS

The specific format requirements for Common Council files, other than communications and reports, are essential for data entry of the files into the legislative tracking system (*Legistar*). There are no special format requirements for communications or reports.

Paragraph labels (described below) on Council files must:

- a) Be on an individual line with no other printed matter on that line.
- b) Begin at the left margin.
- c) Be preceded by 2 periods.

All files must be on 8-1/2" by 11" paper.

All files must be submitted in .rtf format. Word processing templates can be downloaded from the city's Intranet (MINT).

Paragraph Labels

..Number

This is the Common Council file number. Unless you are drafting a substitute, this should be left blank. Numbers for new files are automatically assigned by the Legistar system.

..Version

This is the version of the file: Terms used, in order, are: ORIGINAL, PROPOSED SUBSTITUTE (A), SUBSTITUTE 1, SUBSTITUTE 2, etc. A "title only" file is an ORIGINAL. When filled, it becomes SUBSTITUTE 1.

..Reference

This is the number of another Common Council File that the current file amends or refers to. More than one file may be listed. Drafters are encouraged to include this information.

..Sponsor

The Council sponsor is listed here. The format is “ALD. SMITH”. If there is no specific sponsor, THE CHAIR should be entered here.

..Title

The title of the file. If the version is a substitute, the title should so indicate.

Examples of titles:

An ordinance relating to...

A substitute ordinance relating to...

A charter ordinance relating to...

A substitute charter ordinance relating to...

Resolution relating to...

Substitute resolution relating to...

..Sections

Used only on ordinances and charter ordinances that affect sections of the Milwaukee Code of Ordinances or the Milwaukee City Charter. Sections of the Charter or Code affected by an ordinance are listed here in numerical order.

Example:

14-01-2 am

28-12-3-b rp

300-18-10-d-2 cr

The abbreviations used in this listing are:

am: amend

cr: create

ra: renumber and amend

rc: repeal and recreate

rn: renumber

rp: repeal

..Analysis

An analysis summarizes what a file does.

...Body

For resolutions this includes the “whereas” and “resolved” clauses. For ordinances this includes the “ordaining” clause and all “parts”.

..LRB

This is the signature block for LRB approval of ordinances for form. It is used only on ordinances and charter ordinances that affect sections of the printed code or charter.

..Attorney

This is the signature block for City Attorney approval of ordinances for legality and enforceability. It is used only on ordinances and charter ordinances that affect sections of the printed code or charter.

..Requestor

This is the agency that is the source of the file, if different than the drafter.

..Drafter

This is the drafting information, including the drafting agency, individual drafter (please use full name, not initials), date and word processing document name, if applicable.

GENERAL DRAFTING GUIDELINES

Drafting Standards. The *City of Milwaukee Drafting Manual*, issued by the City Clerk's office, is the drafting standard for all questions of spelling, syntax, and usage.

Version. All files introduced to the Common Council are ORIGINAL files.

A file becomes a SUBSTITUTE when a full-text version replaces a title-only or when a committee or the Council amends the version before it.

A change in sponsorship does not change the version of a file.

Titles. The purpose of the file title is to describe the proposal's general subject matter, not its specific content. It should be as concise as possible but still enable the subject matter to be distinguished from that of other proposals. Be careful to include the entire subject matter within the scope of the title. Do not provide a title so narrow that it precludes amendments. Do not frame the title for propaganda purposes. Use neutral words that neither promote nor detract from the proposal.

Certain items should always be mentioned in the title if included in a file:

- a) Creating, renaming or abolishing an agency.
- b) Making an appropriation or creating a charge against any fund.
- c) Providing for a study.

If the version of the file is a substitute, the title should begin as "Substitute resolution relating to..." or "A substitute ordinance relating to...", etc.

Do not use acronyms in titles.

Analysis. Every ordinance, resolution and motion file should contain a concise analysis explaining in plain, impartial language its substance and effect, but not offering arguments in favor of its passage or adoption.

Ordinances. All ordinances that affect the printed city charter or code of ordinances must be submitted to the Legislative Reference Bureau for preparation or final approval as to form. If recommended for passage by a

standing committee, the ordinance will be forwarded to the City Attorney for approval as to legality and enforceability before the full Council considers it.

When amending an existing section of the code of ordinances, new text being added is both underscored and preceded by “>>” and followed by “<<”. Existing text being deleted is both stricken-through with dashes and preceded by “[[“ and followed by “]]”.

The following standard abbreviations and citations should be used in ordinances:

- Chapter: ch.
- Chapters: chs.
- Subchapter: subch.
- Subchapters: subchs.
- Section: s.
- Sections: ss.
- Subsection: sub.
- Subsections: subs.
- Paragraph: par.
- Paragraphs: pars.
- Subdivision: subd.
- Subdivisions: subds.
- Subparagraph: subpar.
- Subparagraphs: subpars.

The standard effective date (day after publication) is prescribed by state statute. An effective date provision should be included in a draft only when a delayed effective date is desired.

Charter Ordinances. In addition to the above provisions for ordinance drafting, the full effective date provision for charter ordinances should be included to call attention to the 60-day delay in effectiveness, viz.:

This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Resolutions. Resolutions should be used for one-time items of business or general policy directives. Permanent procedures or organizations should be established by ordinance.

“Whereas” clauses are not absolutely essential and should be included only when necessary to establish the basis for the Council action being taken.

“Resolved” clauses should be able to stand on their own, without relying on information provided in “Whereas” clauses.

In both “Whereas” and “Resolved” clauses, the first word immediately following “Whereas,” or “Resolved,” should begin with a capital letter.

The first Resolved clause must begin “Resolved, By the Common Council of the City of Milwaukee, That...”

Resolutions for Immediate Adoption. Resolutions that neither appropriate funds nor create a charge against any city fund may be adopted by a two-thirds vote of the Council at the same meeting at which they are introduced. Generally, this procedure is not used for any file of significant policy impact. Files with a significant policy impact should be scheduled for a public hearing by a standing committee.

Resolutions presented for immediate adoption should have the words IMMEDIATE ADOPTION centered on the first line of the file.

Motions. A motion is used for internal Council actions that do not require the approval of the Mayor such as granting license applications and amending the Council rules.

Communications. A communication may consist of a letter, petition, report or other written material. There are no required formats for communication files.

The communication file should be used only to convey information to the Council when no further action is needed. If action is needed, an appropriate resolution or ordinance should be introduced, with the communication attached to the file.

Drafting Amendments. In those instances where amendments to files are required to be in writing, the standard for drafting is that simple amendment is always preferred over substitution. A simple amendment clearly shows the exact changes that are being made to a piece of legislation. Only when the proposed changes are so numerous or complex that a simple amendment would be confusing should a substitute be used.

Proposals Establishing Boards, Commissions, Committees or Task Forces.

When a file is creating a board, commission, committee or task force, the name of the body should be specified in the title and the following factors considered in drafting:

- a) Purpose or intent.
- b) Membership, including qualifications, manner of selection, and whether the position requires Common Council confirmation.
- c) Officers, staff and selection.
- d) Terms, filling of vacancies. Staggered terms should be avoided, but, if used, the creating legislation should clearly indicate how the staggering is to be achieved.
- e) Compensation, expenses.
- f) Meetings or hearings, when and how called, quorum.
- g) Powers and duties.
- h) Duration; dissolution.
- i) Reports, when and to whom.
- j) Appropriation.

It is a requirement of the Code that the Board of Ethics be informed of any proposed body. The Board is responsible for providing a recommendation as to whether or not those named to the body should be required to file statements of economic interests.

Sex-Neutral Terminology. All Council files should be prepared using sex-neutral terminology.

RESEARCHING COUNCIL FILES (*Legistar*)

Almost every item submitted to the Common Council for its consideration will be recorded in the City Clerk's *Legistar* legislative tracking system. This system is composed of two parts: a version used by the staff of the Council Records Section to maintain the database and the *InSite* Internet suite that provides full-featured search capability of Common Council records.

InSite's Component Parts

Calendar. The Common Council Calendar page at <http://milwaukee.legistar.com/calendar> provides a comprehensive listing of all meetings of the Common Council, its standing committees, and a number of other boards and committees staffed by the office of the City Clerk. The date and time of meetings are given as well as agendas and minutes, if available. This list is searchable. Please note, however, that the search engine only looks through agendas and minutes; it does not search the actual text of Common Council files that might have been included on these agendas or minutes. The calendar also contains links to video clips of specific items if the meeting was televised.

Legislation. Users looking to track down a particular piece of legislation, read an attachment that they know was included with a Common Council file, see voting information, or learn more about a matter being considered by the Council are advised to use <http://milwaukee.legistar.com/legislation>. A user can type in a file number, a key word – or combination of key words – or the name of a Common Council member and receive a report of all the Common Council files that include those pieces of information.

Advanced searches allow users to look for particular types of files, sponsors, dates of introduction, and other categories. Searches can also be combined to narrow them further. Both the basic and advanced searches accept all Boolean operators.

When a user selects a particular file, he or she is taken to a separate page containing all the relevant information pertaining to it including sponsors, date of introduction, date of final action, as well as a history of its path through the Common Council process. This same report also includes links to all the attachments submitted to the Common Council for this file,

including links to video clips of discussion of the item at committee and council. The first attachment listed is always the most recent version of the actual text of the file.

The matter search database available through *InSite* contains all Common Council files from 1997-present.

Other Resources

Common Council Procedure and Rules:

<http://www.city.milwaukee.gov/ImageLibrary/Groups/ccCouncil/2009PDFs/RULE073009.pdf>

City of Milwaukee Drafting Manual:

http://mint/ImageLibrary/Groups/ccClerk/PDFs/Drafting_Manual.pdf

Lobbyist Handbook:

<http://www.city.milwaukee.gov/ImageLibrary/Groups/ccLicenses/LobbyistHandbook.pdf>

LIST OF KEY PERSONNEL

City Clerk: Ronald D. Leonhardt (286-3781)
Deputy City Clerk: James Owczarski (286-2998)

Council Records Requests: Debra Fowler (286-3219)

COUNCIL RECORDS SECTION

<u>Committee</u>	<u>Staff Assistant</u>
Community and Economic Development	Joanna Polanco (286-2366)
Finance and Personnel	Tobie Black (286-2231)
Judiciary and Legislation	Joanna Polanco (286-2366)
Licenses	Chris Lee (286-2316)
Public Safety	Joanna Polanco (286-2366)
Public Works	Tobie Black (286-2231)
Steering and Rules	Jim Owczarski (286-2998)
Zoning, Neighborhoods and Development	Tobie Black (286-2231)

LEGISLATIVE REFERENCE BUREAU

Legislative Reference Bureau Manager: Richard Pfaff (286-2267)
Legislative Research Supervisor: Teodros Medhin (286-8681)